

File: DCL

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(Yellow in FIPS)

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MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director for Administration
General Counsel
Director of Logistics
Director of Security

FROM: Bruce T. Johnson
Director of Data Processing

SUBJECT: Federal Information Processing Standards (FIPS)

REFERENCE: Letter from the DDA, Mr. Don Wortman, to the
Assistant Secretary for Productivity, Technology
and Innovation, Department of Commerce,
Dr. Jordan J. Baruch, dtd. 4 November 1980

1. Action Requested: Paragraph 6 is a recommendation that you sign the attached letter to the Secretary of Commerce requesting that independent authority to waive Federal Information Processing Standards (FIPS) be delegated to you or your designee.

2. Background: Federal Information Processing Standards (FIPS) are promulgated by the Department of Commerce under the provisions of Public Law 89-306 (the Brooks Act) and Part 6 of Title 15 Code of Federal Regulations. These standards are prescribed for Federal agencies in the acquisition, development, and use of automatic data processing (ADP) systems and in the interchange of data between and among agencies and with the public. The use of such standards, which are adopted after review by Federal agencies, industry, and the public, is intended to reduce Government costs and improve the effectiveness of ADP services. We are supportive of a well-managed Federal ADP standards program. However, the unique nature of intelligence, with its concomitant security concerns, causes us special problems with respect to the open procedures surrounding the FIPS program.

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3. Each FIPS standard has associated with it a waiver procedure, whereby, if adverse economic or operational impact can be demonstrated, an agency may utilize equipment or software that does not conform to the standard. Authority to waive these standards resides, depending on the standard, with the Department of Commerce or the agency head. (Even those standards where the waiver authority resides with the agency head still require "coordination in advance" with the Department.) Heretofore, we have not made any formal waiver requests. As the standards program has become more active and increased in scope, we find that full conformance with existing standards is not, in our judgment, in the Agency's interest. In the future, we will require occasional waivers and, therefore, we are concerned about the security implications of FIPS waiver procedures. These procedures generally will require sensitive information on Agency ADP systems be shared with the Department of Commerce. We have described our security concerns in more detail in the attached letter to the Secretary of Commerce.

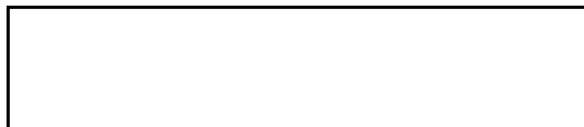
4. Our concern with the FIPS waiver procedures is not hypothetical. For example, we have a near-term problem with FIPS 60-63, which deal with input/output interface standards and would deny us use of some new mass storage (disk drive) technology vital to our ADP programs. We believe we have a strong case for a waiver from FIPS 60-63. However, the existing waiver procedures for FIPS 60-63 require approval of the waiver request by the Secretary of Commerce. We are reluctant to make our case through these existing procedures because of the precedent it sets and the security implications of having another department in our ADP procurement process. Again, our concern is with all FIPS and not just FIPS 60-63.

5. The Secretary of Commerce, under the previous administration, delegated certain FIPS authority to the former Assistant Secretary for Productivity, Technology and Innovation, Dr. Jordan J. Baruch. On 5 November 1980, our former Deputy Director for Administration, Don Wortman, sent a letter to Dr. Baruch requesting a general delegation of FIPS waiver authority to the DCI. The letter (reference) outlined our security rationale for requesting such a delegation. Three months have elapsed and we have had no formal response. The informal response is that Commerce is taking action to delegate waiver authority, pertaining specifically to FIPS 60-63, to the

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heads of all agencies. We welcome this move, but unfortunately it will not be timely enough for our immediate procurement needs. Such a delegation will require a minimum of three and more realistically six months to implement and even then it will address only FIPS 60-63, not other current or future FIPS. A timely response from the Secretary of Commerce to the attached waiver delegation request would overcome these drawbacks.

6. Recommendation: We recommend that you send the attached letter to the Secretary of Commerce reiterating our previous unanswered request for a delegation of independent authority to you or your designee to grant waivers to Federal Information Processing Standards (FIPS).



Bruce T. Johnson

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Attachment:

Letter to the Secretary of Commerce

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